

## Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 PM-07 NSC-07 SP-03 SS-20 RSC-01 CIAE-00

DODE-00 INR-10 NSAE-00 PA-04 USIA-15 PRS-01 L-03

SAJ-01 ACDA-19 DRC-01 /118 W  
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R 041900Z APR 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1584

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L BONN 5517

E.O. 11652: GDS

TAGS: PGOV, GW, WB, UR

SUBJECT: CONTINGENCY RESPONSE TO SOVIET PROTEST ON  
ELECTION OF FEDERAL PRESIDENT

REF: BERLIN 382

1. AT APRIL 3 BONN GROUP MEETING AD REF AGREEMENT WAS  
REACHED ON TEXT OF CONTINGENCY RESPONSE TO POSSIBLE  
FUTURE SOVIET COMPLAINTS ON PARTICIPATION WSB REPS IN  
BUNDESVERSAMMLUNG. AGREEMENT ALSO REACHED THAT TEXT IS  
A "DEFENSIVE BRIEF" FROM WHICH ALLIED AND FRG REPS COULD  
DRAW IN RESPONDING TO WHATEVER POINTS SOVIET REPS MAY  
MAKE ON MATTER, AND THAT TEXT NOT INTENDED FOR READING  
OUT OR FOR HANDING OVER TO SOVIET REPS.

2. BEGIN TEXT:

(A) REPRESENTATIVES OF THE WESTERN SECTORS OF BERLIN,  
INCLUDING REPRESENTATIVES OF THOSE SECTORS DESIGNATED  
TO ATTEND MEETINGS OF THE BUNDESTAG, HAVE PARTICIPATED  
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FOR SOME 20 YEARS IN THE BUNDESVERSAMMLUNG WHICH HAS

THE DUTY OF ELECTING THE PRESIDENT OF THE FRG.

(B) THE PARTICIPATION OF REPRESENTATIVES OF THE WSB IN THE ELECTION OF THE PRESIDENT OF THE FEDERAL REPUBLIC THEREFORE CONSTITUTES A PART OF THE EXSITING SITUATION. IT IS, MOREOVER, NOT IN CONTRADICTION TO THE DEFINITION OF THIS SITUATION AS CONTAINED IN THE QUADRIPARTITE AGREEMENT (QA) OF 3 SEPTEMBER 1971. BEGIN BRACKETS: SUCH PARTICIPATION TAKES PLACE PURSUANT TO A FEDERAL LAW WHICH HAS BEEN TAKEN OVER IN THE WSB IN ACCORDANCE WITH ESTABLISHED PROCEDURES. END BRACKETS.

(C) THE ONLY LIMITATIONS WHICH THE QA PUTS ON THE ACTIVITIES OF THE BUNDESVERSAMMLUNG ARE IN FACT CONTAINED IN ANNEX II, PRAGRAPH 2, WHICH STIPULATES THAT "THE BUNDESVERSAMMLUNG WILL NOT PERFORM IN THE WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS WHICH CONTRADICT THE PROVISIONS OF PARAGRAPH 1." THE LETTER OF THE AMBASSADORS OF THE THREE WESTERN POWERS, CLARIFYING AND INTERPRETING THE PROVISIONS OF THE QA, WHICH WAS SENT TO THE FEDERAL CHANCELLOR ON 3 SEPTEMBER 1971 AFTER BEING OFFICIALLY COMMUNICATED TO THE SOVIET AMBASSADOR, MAKES IT CLEAR THAT "MEETINGS OF THE BUNDESVERSAMMLUNG WILL NOT TAKE PLACE IN THE WESTERN SECTORS OF BERLIN". THERE IS THUS NO QUESTION BUT THAT PARTICIPATION BY REPRESENTATIVES OF THE WESTERN SECTORS OF BERLIN IN THE PRESIDENTIAL ELECTION IN A PLACE OTHER THAN BERLIN IS FULLY CONSISTENT WITH THE QA AND ITS ASSOCIATED DOCUMENTS. END TEXT.

BRACKETS AROUND LAST SENTENCE PARA 2 AGREED BY ALL SINCE MATTER OF LAS TAKE OVER STILL BEING RESEARCHED. U.S. REP STATED STRONG PREFERENCE FOR DELETION BRACKETED SENTENCE.

3. COMMENT AND ACTION REQUESTED: WE BELIEVE AGREEMENT IN BONN GROUP THAT PAPER WOULD BE A "DEFENSIVE BRIEF" AS OUTLINED PARA 1 ABOVE ADEQUATELY COVERS POSITION THAT ALLIED RESPONSE TO ANY SOVIET PROTEST SHOULD BE RELATIVELY LIMITED, WITH FRG MAKING BURDEN OF DEFENSE  
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SINCE BUNDESVERSAMMLUNG HELD IN FRG AS ACT OF FRG SOVEREIGNTY. REQUEST APPROVAL TEXT PARA 2.  
HILLENBRAND

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** BERLIN TRIPARTITE MATTERS, DIPLOMATIC PROTESTS, PRESIDENTIAL ELECTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974BONN05517  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740076-0957  
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**Handling Restrictions:** n/a  
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**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** BERLIN 382  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 02 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <02 APR 2002 by boyleja>; APPROVED <06 JUN 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONTINGENCY RESPONSE TO SOVIET PROTEST ON ELECTION OF FEDERAL PRESIDENT  
**TAGS:** PGOV, GE, WB, UR  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005